

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

GUIDELINES
FOR THE USE OF
INTERPRETERS

Revised June 3, 2015

INTRODUCTION

Interpreters play an important role in the business of the Court. Interpreters also play an important role in furthering the attorney-client relationship when the client is not fluent in English. Interpreters may be needed both in and out of the courtroom.

These Guidelines are intended to inform the Bar on the availability of interpreters in the District of New Jersey, but they are not exhaustive of the governing law. You may wish to refer to the Court Interpreters Act, 28 U.S.C. § 1827 and the Guide to Judiciary Policy, Volume 5: Court Interpreting for more detail. Both can be accessed from our website @ www.njd.uscourts.gov under the Interpreter Services tab.

Please feel free to contact our Staff Interpreter, Irene Caramuta, at (973) 645-4621 or our Court Services Specialist, Julianne Passero, at (973) 645-4637 if you have any questions, comments or suggestions. Their address is: Clerk's Office, United States District Court, MLK Federal Building and Courthouse, 50 Walnut Street, Newark, NJ, 07101.

WILLIAM T. WALSH
Clerk of Court

WHAT LAW GOVERNS INTERPRETERS?

The use of interpreters in this Court is governed by the Court Interpreters Act, 28 U.S.C. § 1827. Under the Act, interpreters are to be provided for the “hearing impaired ... and persons who speak only or primarily a language other than the English language”, in “judicial proceedings instituted by the United States” (28 U.S.C. § 1827(b)(1)). As long as a judicial proceeding, civil or criminal, is instituted by the United States, the costs of an interpreter’s services are borne by the United States, regardless of indigence.

WHAT ARE THE TYPES OF INTERPRETERS?

Under the Act, “certified” and “otherwise qualified” interpreters have been identified.

Certified interpreters are those who have passed very rigorous written and oral examinations offered by the Administrative Office. At present, the Administrative Office certifies interpreters in Spanish, Haitian Creole, and Navajo. In the case of sign language interpreters, certification is recognized for those who hold a Legal Specialist Certificate from the Registry of Interpreters for the Deaf, Inc.

“Otherwise qualified” are competent interpreters who have not been certified. This includes two categories, “professionally qualified” and “language skilled.”

In general, professionally qualified interpreters are those who either passed the U.S. Department of State conference or seminar interpreter test; passed the interpreter test of the United Nations; or are members in good standing of the Association Internationale des Interprètes de Conférence (AIIC) or The American Association of Language Specialists (TAALS). The subcategory of language skilled interpreters is more loosely defined, being composed of those “who can demonstrate to the satisfaction of the

court the ability to interpret court proceedings from English to a designated language and from that language to English.”

HOW ARE INTERPRETERS SELECTED IN A PROCEEDING?

This Court employs a full-time Staff Interpreter in the Spanish language . When there is a request for a Spanish interpreter in a proceeding instituted by the United States, the Staff Interpreter (who is certified by the Administrative Office) will be used if available. If not, the Staff Interpreter or Court Services Specialist will select, on an *ad hoc* basis, another certified Spanish interpreter, or as a last resort, a language skilled interpreter. For other languages, a professionally qualified interpreter will be used if available, or as a last resort, a language skilled interpreter.

WHEN ARE INTERPRETERS AVAILABLE?

As noted above, interpreters will be provided at the expense of the United States in any proceeding instituted by the United States. This includes all in-court matters (for example, motions and trials) and interpreter services needed to assist the probation and pretrial services officer for interviews in preparation of pre-sentence reports and pretrial services reports.

If an interpreter is needed out-of-court, and the client is a defendant in a criminal proceeding instituted by the United States, the costs of an interpreter’s services will be borne by the United States only if the client is indigent as provided by the Criminal Justice Act, 18 U.S.C. § 3006A. If the client is not indigent, the interpreter must be compensated privately.

In a civil action not instituted by the United States, or in a civil action in which the United States is a defendant, the party (including an agency of the United States) requiring

the services of an interpreter is responsible for the interpreter's compensation. However, in any case filed in this court, sign language interpreting or other auxiliary aids and services for the hearing impaired may be provided at the expense of the United States.

Interpreters will most often be needed in courtrooms. However, through the Staff Interpreter or Court Services Specialist, interpreters can be made available in the environs of the courthouse as well as "lock-up" prior to or after an in-court proceeding.

Interpreters will most often be needed during normal business hours. However, interpreters can be available, if necessary, on holidays, weekends, or outside normal business hours.

Some interpreters have expressed preferences not to work at certain locations or certain times. These preferences will be taken into consideration by the Staff Interpreter or Court Services Specialist in assigning interpreters. Therefore, attorneys should not expect to work with the same interpreter in any given proceeding.

HOW ARE INTERPRETERS REQUESTED?

Courtroom Deputies are responsible for requesting an interpreter for any in-court proceeding instituted by the United States. However, any attorney representing a non-English speaking client should inform courtroom deputies of the need for an interpreter at least 2 business days in advance for a Spanish language interpreter, and 2 weeks in advance for any other language, including sign language interpreters.

Whenever an attorney seeks an interpreter in a proceeding not initiated by the United States, that attorney is responsible for obtaining interpreting services. The Staff Interpreter or Court Services Specialist can assist parties in locating qualified interpreters.

HOW TO SECURE INFORMATION ON INTERPRETERS?

As noted above, certified, professionally qualified and language skilled interpreters are available to the District of New Jersey.

The Staff Interpreter or Court Services Specialist maintain a roster of all available interpreters. This roster includes basic information about each interpreter's credentials as well as any preferences with regard to time or place of work.

The Staff Interpreter or Court Services Specialist are available to answer any questions with regard to interpreters and to assist attorneys in securing interpreters.

HOW MUCH DO INTERPRETERS CHARGE?

The Administrative Office has set rates of compensation of interpreters according to their levels of qualification. The rates and levels of qualification can be obtained from the United States Courts website, currently www.uscourts.gov. Interpreters are compensated on the basis of full days and half days. For proceedings in which an attorney retains an interpreter, compensation is a matter between the interpreter and the attorney.